

**SELECTMEN'S MEETING MINUTES  
November 23, 2010**

Members Present: Lynda Walsh, Chairman  
James J. DeVellis, Clerk  
Lorraine Brue

Others Present: Kevin Paicos, Town Manager  
Police Chief O'Leary  
Susan Thibedeau, Animal Control Officer  
Vasillos Papadopoulos, 24 Washington Street Trust

The meeting was brought to order at 7:00 p.m. by Lynda Walsh, Chairman.

**7:00 – Citizens' Input** – No one present for Citizens' Input..

**7:05 – Public Hearing – Permanent Restraining Order** – Sue Thibedeau, Animal Control Officer, was present to discuss the on-going issues with Juliette Wang-Coombs relative to a permanent restraining order on her dogs. Sue Thibedeau noted that neither Juliette Wang- Coombs nor Anthony Costa of 23 Dassance Drive were present at this hearing. On November 23rd a call was received by Sue Thibedeau from Anthony Costa asking to reschedule the hearing and asking for information regarding an appeal process. The German Shepherd Dog, Kaisser, is currently in custody by Foxborough Animal Control at the Mansfield Animal Shelter at the owner's expense.

A lengthy discussion ensued. Sue Thibedeau reported there have been six violations since July 16, 2010. Conditions imposed by a letter from the Town Administrator dated July 15, 2010 have not been adhered to by the owners of the dogs. The Invisible Fence Company stopped working about half way through the 14 training days as the dogs proved to be unmanageable and the owners were not working with the trainers. The two-way collars for the dogs have not been used. The gates on the perimeter fence are difficult to close or are not kept shut. The dogs continue to roam and are very aggressive or attack other dogs in the neighborhood. Richard Golemme, 20 Dassance Drive, said the dogs are out constantly and display aggressive behavior when he or his wife is walking their dog on their own property. They are not able to use their own property without worry about being attacked by these dogs. He pointed out that even if these dogs are taken away, the owners would just get other dogs. He said the owners of these dogs have never exercised any control over the dogs.

Sue Thibedeau recommended that the German Shepherd dogs named Zeus and Porcha be removed from the property of Juliette Wang, 23 Dassance Drive, and, including Kaisser, would not be allowed in the Town of Foxborough and that the owner, Juliette Wang must notify the Foxborough Animal Control Officer of the whereabouts of the dogs and notify the Animal Control Officer of

the town where the dogs are placed within 24 hours. Some discussion was held relative to the authority of the BOS to act under State statute. Chief O'Leary said he would research on the potential of criminal harassment on the part of the owners continuing to fail to control their animals. He will be in contact with Sue Thibedeau.

Motion by Lorraine Brue to close the Public Hearing. Seconded by Jim DeVellis. **Vote: 3-0-0**

Motion by Jim DeVellis – After review of the material submitted this evening and the testimony heard, giving evidence to the failure of the Permanent Restraining Order, all dogs at the Wang-Coombs property shall be removed as expeditiously as possible to the satisfaction of the Foxborough Animal Control Officer, Susan Thibedeau. Seconded by Lorraine Brue. **Vote: 3-0-0**

**7:30 – Public Hearing – Class 2 Auto License** – Vasilios Papadopoulos was present seeking approval of an application for a Class 2 Auto License for 24 Washington Street Trust. Kevin Paicos explained that a Class 2 Auto License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts there of first requires a Special Permit from the Zoning Board of Appeals and therefore no action by the Board could be taken at this time. Also the applicant must obtain multiple variances from the Planning Board. He advised the applicant to first go to the Building Commissioner for assistance in the special permit process. Kevin explained that at present there is no review procedure in place for review by the various boards and/or departments. He will work on a policy for the BOS.

**7:40 – Goals and Objectives** – Lorraine Brue asked that this discussion be tabled until all members of the Board are present.

#### **ACTION:**

**Minutes** - The Minutes of the Board of Selectmen's Meeting of November 9, 2010 were put on hold until the next meeting when all members of the Board would be present.

**Legal Invoices** - Received from Labor Council an invoice in the amount of \$8,833.75. A brief discussion was held.

Motion by Lorraine Brue to approve the Invoice from Collins, Loughran & Peloquin, P.C. in the amount of \$8,833.75 for legal services rendered September 1, 2010 through October 31, 2010. Seconded by Jim DeVellis **Vote: 3-0-0**

Received from Deutsch/Williams, Town Council, an Invoice in the amount of \$1,205.14 for legal services rendered in October 2010. A brief discussion was held regarding how the invoice is submitted, description of charges and what is or is not covered under the retainer fee.

Motion by Lorraine Brue to approve the Invoice from Deutsch/Williams in the amount of \$1,205.14 for services rendered in October, 2010. Seconded by Jim DeVellis. **Vote: 3-0-0**

**Donations to Animal Control Gift Funds** – Received from Wendy & James Allen a check in the amount of \$120.00 and a check from Thomas Lopolito a check in the amount of \$65.00 and a cash donation of \$45.00 from Robbie Lucas; all to be deposited in the Animal Control Gift Fund.

Motion by Lorraine Brue to accept with gratitude in donation from Wendy & James Allen in the amount of \$120.00, the donation from Thomas Lopolito in the amount of \$65.00 and the cash donation from Robbie Lucas in the amount of \$45.00 each to be deposited in the Animal Control Gift Fund. Seconded by Jim DeVellis. **Vote: 3-0-0**

**Caroling on the Common** – Received from Julie Grant on behalf of the Foxboro Jaycees a request for permission to hold the Annual Christmas Carols on the Common on December 16, 2010 – 6:00 to 7:00 p.m.

Motion by Jim DeVellis to approve the request to hold the Annual Christmas Carols on the Common as submitted by Julie Grant, Foxboro Jaycees. Seconded by Lorraine Brue. **Vote: 3-0-0**

**Hackie License Applications** – Received Hackie License Applications for Schy Edward Maloon (New License), Stephen Mackinlay (New License) Donald Marco (Renewal) and Kevin Davis (Renewal).

Motion by Jim DeVellis to approve the Hackie License Application as submitted by Schy Edward Maloon, 493 Maple Street, Mansfield – a new two year license. Seconded by Lorraine Brue. **Vote: 3-0-0**

Motion by Jim DeVellis to approve the Hackie License Application as submitted by Steven Michael Mackinlay, 50 Verndale Avenue, Attleboro – a new two year license. Seconded by Lorraine Brue. **Vote: 3-0-0**

Motion by Jim DeVellis to approve the Hackie License Application as submitted by Donald E. Marco, for a two year license renewal. Seconded by Lorraine Brue. **Vote: 3-0-0**

Motion by Jim DeVellis to approve the Hackie License Application as submitted by Kevin Davis, Mansfield – a two year license renewal. Seconded by Lorraine Brue. **Vote: 3-0-0**

**One Day All Alcohol Licenses** – Received from Fred Smerlas on behalf of First & Goal, 45 Washington Street, Foxborough application for One Day All Alcohol Licenses for 2011 Patriots Playoff & Regular Season games ending on

January 2, 2011, any playoff games in January 2011 and games for the 2011 regular season games. A brief discussion was held. Liquor License Applications cannot be processed when no dates are given.

Motion by Lorraine Brue to approve the One Day All Alcohol License for January 02, 2011 and regular Patriots home games for the 2011 season. Seconded by Jim DeVellis. **Vote: 3-0-0**

**Agricultural Commission** –Received a request to appoint to the Agricultural Commission two 3-yr. appointments, two 2-year appointments and one 1 year appointment – Rosemary Smith, 85 Cocasset St., John Hazeldine, Sr., 27 Spring Street, Frederick Grossmith, 250 Cocasset St., Edward Lawton, 70 North Street, and Debbie Sulham, 7 Pine Acres Road. A brief discussion was held. This item was put on hold to allow the candidates to determine the length of the appointments rather than assigning without first consulting the appointees.

**Mass Interscholastic Athletic Association** – Received from the Massachusetts Interscholastic Athletic Association , William N. Gaine, Jr., Deputy Director, a request to waive the Town User Fee for MIAA Superbowl Football games.

A lengthy discussion was held. Lorraine Brue said she had consulted with Randy Scollins on this request which she shared with the Town Manager. Kevin Paicos said Randy was concerned about waiving the fee for three years as it would mean a significant loss of revenue for the Town. Kevin pointed out that MIAA is a non-profit organization that supports student athletes involved in many different sports across the Commonwealth. He noted that the Kraft Group agreed to donate the facility and pay for operating costs and expenses for this event and he said he is quite sure the Patriots would like to have the Town waive the fee. Jim DeVellis feels that a discussion with the Patriots needs to happen with regard to MIAA and the BOS should hold up on waiving the fee. He pointed out that the Town is going through hard times trying to balance the budget and any decision on this should be carefully thought out. Lorraine Brue said she “is leaning” toward Randy Scollins’ perspective. At a time when the Town is asking the employees to accept zero increases, the Town is not in a position to waive the fees. Lynda Walsh noted that the Town has waived the fee for three years and she would like to support non-profit groups. She suggested taking another look at this for next year. Kevin Paicos said he is surprised by the attendance estimated at 18,000 and that means \$45,000 in fees – a significant number over three years. He said a discussion with the Patriots needs to happen; the Agreement needs to be amended. He suggested waiving the fee for this year and try to reach “common ground” with the Patriots for the two remaining years.

Motion by Jim DeVellis to waive the ticket fees for the next two years. Seconded by Lynda Walsh.

Motion by Lorraine Brue to amend the motion to waive the ticket fees for one (1) year and open dialog with MIAA, the Kraft Group and Kevin Paicos. Seconded by Lynda Walsh. **Vote: 3-0-0**

**Vote on original motion as amended: 3-0-0**

**Defeat of Question 2** – Received from Robert W. Kimball, Jr., Norton Board of Selectmen, a memo regarding correspondence sent to legislators following the defeat of Question 2 on the State election ballot. He asked for the support of the Foxborough BOS. A brief discussion was held. Jim DeVellis feels it is not the place of the BOS to call State Legislators asking for a forum on this issue. This was taken under advisement.

**Town Warrant for SPM** – A brief discussion was held. Police Chief O’Leary pointed out that one Police article might be confusing to the voters. He will come back before the Board at the next meeting. Kevin Paicos said the Advisory Committee would get the Warrant as soon as it is known what is happening with the Patriots. He pointed out that unless the articles for the Patriots are included in the Warrant there may not be enough to have a special meeting; in that case the others would be added to the Warrant for the ATM. He said things could wait another two to four weeks.

Motion to adjourn by Jim DeVellis. Seconded by Lorraine Brue.

**Vote: 3-0-0**

Meeting adjourned at 8:45 p.m.

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James J. DeVellis, Clerk